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SIPDIS

STATE FOR DRL/NESCA, NEA/PI AND NEA/MAG

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TAGS: [PHUM](#) [PGOV](#) [PREL](#) [KPAO](#) [MO](#)
SUBJECT: CHARGE RAISES CASES WITH HUMAN RIGHTS COUNCIL
CHAIRMAN

Classified By: CDA Robert P. Jackson for reasons 1.4 (b) and (d).

¶1. (C) Summary: Ahmed Herzenni, Chairman of Morocco's Consultative Council on Human Rights (CCDH), told Charge that the Council would look into the case of human rights activist Chakib al Khyari, President of the Association for Human Rights in the Rif (ARDH). Post will follow up in light of al Khyari's June 24 sentencing to three years, imprisonment and a USD 90,000 fine for "insulting state institutions." The Charge also pressed for greater freedoms for political organizations in the Western Sahara and raised concerns about harassment of those advocating independence. The CCDH was responsible for both domestic and international observation of Morocco's recent elections. Despite isolated complaints of vote buying and bribery, Herzenni expressed satisfaction at the turnout and overall integrity of the elections. End Summary.

¶2. (SBU) Charge (CDA), PolCouns, PolOff and Pol Intern met with Consultative Council for Human Rights (CCDH) Chairman Ahmed Herzenni and a council staffer on June 24 to discuss Morocco's progress in the human rights arena and the recent local council elections, which the CCDH monitored.

Trial of Chakib al Khyari

¶3. (SBU) The CDA expressed our strong concern over the continued detention of President of the Independent Human Rights Association of the Rif Chakib al Khyari, who had publicly questioned the effectiveness of Moroccan authorities in preventing drug smuggling. Asked why al Khyari continues to be detained given the minor charges, Herzenni seemed taken aback, remained silent for a while and then responded, "I do not really have an answer." He then explained that repeated trial postponements are normal in the Moroccan judicial system and stressed that the CCDH is more concerned with the fairness of the trial than its length, or the length of detention. He agreed, however, that the CCDH would look into al Khyari's case. Shortly after the meeting, a judge in Casablanca found al Khyari guilty of "gravely offending state institutions" and sentenced him to three years in prison and fined him USD 90,000.

"Political Detainees" in the Belliraj Trial

¶4. (SBU) Asked about irregularities in the trial of six men accused of having connections to the Abdelkader Belliraj terrorism network, including inability to call witnesses or to present evidence, Herzenni acknowledged that the CCDH had also noticed irregularities in the trial. He stated that the trial would soon close, at which point the CCDH would review the process for any irregularities on the part of judges and prosecutors. If the CCDH determines that irregularities took

place, it will declare the trial unfair, he said, clarifying that "we do not want to draw any conclusions before the end of the trial."

Political Expression in the Western Sahara

15. (SBU) Responding to the CDA's observation that the Ministry of the Interior continues to defy court orders to allow the Association of Sahrawi Victims of Grave Human Rights Violations Committed by the Moroccan State (ASVDH) to register as a political organization, Herzenni recommended that ASVDH pursue its case through the Administrative Court.

16. (SBU) The Charge also noted that the Mission recently sent an ASVDH member to the U.S. for a training program and that, while he was abroad, security forces visited his home and asked his family to tell him to report to the police upon his return. Upon arrival in Morocco, he was briefly detained and questioned at the airport. Herzenni underscored that the police have a right to do their job, including watching people they suspect of illegal activities. Since the ASVDH member is still free and has not been "disappeared," arrested or tortured, and his family has not lodged a formal complaint, as far as the CCDH and Herzenni are concerned, nothing of consequence has happened. The CCDH is an "a posteriori, not a priori" organization, he said, explaining that the organization cannot act preventatively, they can only judge past actions.

Elections

17. (SBU) Expressing satisfaction with the over 50 percent turnout rate for the June 12 communal elections, Herzenni said the rate of participation demonstrated a continued commitment to the democratic process. He told the CDA he had expected the turnout to be higher than the low 37 percent of the 2007 legislative elections but was anxious until the turnout reached the 52.4 percent mark. He expressed satisfaction that turnout in the Western Saharan provinces was higher than in many other areas of the country, despite calls for a boycott from POLISARIO President Abdelaziz.

18. (SBU) Asked about allegations of vote buying, Herzenni responded that although it likely took place, and may even have been common, full-scale fraud and manipulation of elections is a thing of the past, particularly after the intense scrutiny of the 2007 parliamentary elections. He added that such allegations are difficult to prove. Herzenni underscored the difficulty in distinguishing between local traditions and bribery, observing that within Moroccan culture, a host of a meeting or gathering is expected to provide food, which could be seen as bribery in a political context. He noted that the CCDH has received very few complaints of irregularities, and said that allegations of voting misconduct are generally the responsibility of the Ministry of the Interior. Herzenni admitted that the number of observers fielded in this election was too small to do anything other than spot checking. He noted that a U.S. think tank, the Institute for Strategic Studies, had approached the CCDH unilaterally with an offer to provide observers.

Opportunities for Cooperation

19. (SBU) The CCDH is on the verge of completing its mandate from the IER. Most of the project is complete, but community reparations will be an ongoing issue. Currently, there are 32 community reparation development projects, with a total of 60 planned, though many more projects have been submitted. Herzenni mentioned an opportunity for U.S. involvement to support some of the worthy projects that the CCDH could not

implement because of budget or mandate constraints. He explained that, on a smaller scale, CCDH was promoting social and economic rights by empowering the people and informing them of their rights in this sphere.

Comment

¶10. (C) Herzenni, a Ph.D. from the University of Kentucky and former political prisoner, has been criticized for being overly solicitous to the Makhzen (the palace system), of which he is clearly a part. After a brief foray into the Western Sahara, he now appears to be shying away. Nonetheless, when it is mobilized, CCDH can be an important advocate of pro-reform cooperation. The openness with which Herzenni addressed some sensitive issues illustrates Morocco's commitment to expand human rights and prevent serious abuse.

¶11. (C) We are concerned about the trial and sentencing of Chakib al Khyari and plan to raise this issue again in consultation with our European partners. The Mission will also monitor the on-going Belliraj trial, particularly the cases of the so-called "political detainees," continuing to document irregularities as they appear (Septel) and raise them with the Government as appropriate. End Comment.

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